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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,642	06/25/2003	Masayoshi Shimizu	826.1549C	1036
21171	7590	12/15/2004	EXAMINER CARTER, TIA A	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ART UNIT 2626	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/602,642	Applicant(s) SHIMIZU ET AL.	
	Examiner Tia A Carter	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/336,766.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-25-03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

2.

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohta (US. 5875260).

Regarding claim 1, Ohta discloses a color data conversion on method for converting color data to color data inside a target color gamut (fig. 2, col. 2, lines 15-19), comprising:

determining (determination unit 103) whether color data is in a predetermined area of the target color gamut (fig.2, col. 4, lines 8-17); and

converting (color conversion unit 430) the color data to be converted using a first color gamut conversion method when the color data is within the predetermined area of

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the target color gamut (fig. 2, col. 5, lines 59-64) and using a second color gamut conversion method when the color data is outside the predetermined area of the target color gamut (fig. 2, col. 5, lines 50-57).

Regarding claim 2, Ohta discloses a color conversion table (LUT) for converting colors exhibited by a first device (computer, etc. —490) to colors which can be exhibited by a second device (450), wherein color data values which are registered in the color conversion table are generated using a color data conversion method (fig. 2, col. 6, lines 51-58) comprising determining whether color data is in a predetermined area of a color gamut of the second device (fig. 2, col. 4, lines 8-17) and converting the color data to be converted using a first color gamut conversion method when the color data is within the predetermined area of the target color gamut (fig. 2, col. 5, lines 59-64) and method using a second color gamut conversion method when the color data is outside the predetermined area of the target color gamut (fig. 2, col. 5, lines 50-57).

Regarding claim 3, Ohta discloses a device driver (image forming unit 450) of second device for outputting colors exhibited by a first device as colors which can be exhibited by the second device (fig. 1, col. 3, lines 20-41), comprising a color conversion table (LUT) in which color data values generated using a color data conversion method (fig. 4, col. 6, lines 51-58) comprising determining whether color data is in a predetermined area of a color gamut of the second device (fig. 2, col. 4, lines 8-17) and converting the color data to be converted using a first color gamut conversion method

when the color data is within the predetermined area of the target color gamut (fig. 2, col. 5, lines 59-64) and using a second color gamut conversion method when the color data is outside the predetermined area of the target color gamut (fig. 2, col. 5, lines 50-57).

Regarding claim 4, Ohta discloses a color data conversion apparatus (figure 1) for converting color data to color data inside a target color gamut, comprising:

a computer (490) determining whether color data is in a predetermined area of the target color gamut and converting the color data to be converted using a first color gamut conversion method when the color data is within the predetermined area of the target color gamut and using a second color gamut conversion method when the color data is outside the predetermined area of the target color gamut (fig. 1, col. 3, lines 20-34; fig. 2, col. 3, lines 52-67 and col. 4, lines 1-18 and col. 5, lines 50-64).

Regarding claim 5: A computer-readable storage (RAM 480/ ROM 470) recording a program for causing a computer to execute a process (fig. 1, col. 3, lines 42-46), said process comprising:

Determining (determination unit 103) whether color data is in a predetermined area of a target color gamut (fig. 2, col. 4, lines 8-17); and

Converting (color conversion unit 430) the color data to be converted using a first color gamut conversion method when the color gamut conversion method when the color data is within the predetermined area of the target color gamut (fig. 2, col. 5, lines

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59-64) and using a second color gamut conversion method when the color data is outside the predetermined area of the target color gamut (fig. 2, col. 5, lines 50-57).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shimizu et al. (US. 6323969), Wan et al. (US. 5731818), and Ito et al. (US. 6437792) are cited to show related art with respect to color conversion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia A Carter whose telephone number is 703 - 306-5433. The examiner can normally be reached on M-F (7:00-3:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TAC
12/7/04

Tia A Carter
Examiner
Art Unit 2626


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER